

1 **Chapter 68.**  
2 **Fences and Stock Law.**

3 Article 1.

4 Lawful Fences.

5 **§§ 68-1 through 68-2. Repealed by Session Laws 1969, c. 691.**

6  
7 **§§ 68-3 through 68-4. Repealed by Session Laws 1971, c. 741, s. 2.**

8  
9 **§ 68-5. Repealed by Session Laws 1969, c. 619.**

10  
11 Article 2.

12 Division Fences.

13 **§§ 68-6 through 68-14: Repealed by Session Laws 1971, c. 741, s. 2.**

14  
15 Article 3.

16 Livestock Law.

17 **§ 68-15. Term "livestock" defined.**

18 The word "livestock" in this Chapter shall include, but shall not be limited to, equine  
19 animals, bovine animals, sheep, goats, llamas, and swine. (Code, s. 2822; Rev., s. 1681; C.S., s.  
20 1841; 1971, c. 741, s. 1; 1997-84, s. 2.)

21  
22 **§ 68-16. Allowing livestock to run at large forbidden.**

23 If any person shall allow his livestock to run at large, he shall be guilty of a Class 3  
24 misdemeanor. (Code, s. 2811; 1889, c. 504; Rev., s. 3319; C.S., s. 1849; 1971, c. 741, s. 1;  
25 1993, c. 539, s. 536; 1994, Ex. Sess., c. 24, s. 14(c).)

26  
27 **§ 68-17. Impounding livestock at large; right to recover costs and damages.**

28 Any person may take up any livestock running at large or straying and impound the same;  
29 and such impounder may recover from the owner the reasonable costs of impounding and  
30 maintaining the livestock as well as damages to the impounder caused by such livestock, and  
31 may retain the livestock, with the right to use with proper care until such recovery is had.  
32 Reasonable costs of impounding shall include any fees paid pursuant to G.S. 68-18.1 in order to  
33 locate the owner. (Code, s. 2186; Rev., s. 1679; C.S., s. 1850; 1951, c. 569; 1971, c. 741, s. 1;  
34 1991, c. 472, s. 3.)

35  
36 **§ 68-18. Notice and demand when owner known.**

37 If the owner of impounded livestock is or becomes known to the impounder, actual notice  
38 of the whereabouts of the impounded livestock must be immediately given to the owner and the  
39 impounder must then make demand upon the owner of the livestock for the costs of  
40 impoundment and the damages to the impounder, if any, caused by such livestock. (Code, s.  
41 2817; Rev., s. 1680; C.S., s. 1851; 1971, c. 741, s. 1.)

42  
43 **§ 68-18.1. Notice when owner not known.**

44 If the owner of the impounded livestock is not known or cannot be found, the impounder  
45 shall inform the register of deeds that he has impounded the livestock and provide the register  
46 of deeds with a description of the livestock. The register of deeds shall record the information  
47 in a book kept for that purpose, and shall charge the impounder a fee of ten dollars (\$10.00).  
48 The register of deeds shall immediately publish a notice of the impoundment of the animal by  
49 posting a notice on the courthouse door. The notice on the courthouse door shall be posted for  
50 30 days, and shall contain a full description of the livestock impounded, including all marks or  
51 brands on the livestock, and shall state when and where the animal was taken up. The

1 impounder shall publish once, in some newspaper published and distributed in the county, a  
2 notice containing the same information as the notice posted by the register of deeds. The fees  
3 for publishing the notice shall be paid by the impounder. (1874-5, c. 258, s. 2; Code, s. 3768;  
4 Rev., s. 2833; C.S., s. 3951; 1991, c. 472, s. 2.)  
5

6 **§ 68-19. Determination of damages by selected landowners or by referee.**

7 If the owner and impounder cannot agree as to the cost of impounding and maintaining  
8 such livestock, as well as damages to the impounder caused by such livestock running at large,  
9 then such costs and damages shall be determined by three disinterested landowners, one to be  
10 selected by the owner of the livestock, one to be selected by the impounder and a third to be  
11 selected by the first two. If within 10 days a majority of the landowners so selected cannot  
12 agree, or if the owner of the livestock or the impounder fails to make his selection, or if the two  
13 selected fail to select a third, then the clerk of superior court of the county where the livestock  
14 is impounded shall select a referee. The determination of such costs and damages by the  
15 landowners or by the referee shall be final. (Code, s. 2186; Rev., s. 1679; C.S., s. 1850; 1951, c.  
16 569; 1971, c. 741, s. 1.)  
17

18 **§ 68-20. Notice of sale and sale where owner fails to redeem or is unknown; application of**  
19 **proceeds.**

20 If the owner fails to redeem his livestock within three days after the notice and demand as  
21 provided in G.S. 68-18 is received or within three days after the determination of the costs and  
22 damages as provided in G.S. 68-19, then, upon written notice fully describing the livestock,  
23 stating the place, date, and hour of sale posted at the courthouse door and three or more public  
24 places in the township where the owner resides, and after 10 days from such posting, the  
25 impounder shall sell the livestock at public auction. If the owner of the livestock remains  
26 unknown to the impounder, then, 30 days after publication of the notice required by G.S.  
27 68-18.1, the impounder shall post at the courthouse door and three public places in the  
28 township where the livestock is impounded a written notice fully describing the livestock, and  
29 stating the place, date, and hour of sale. After 20 days from such posting, the impounder shall  
30 sell the livestock at public auction. The proceeds of any such public sale shall be applied to pay  
31 the reasonable costs of impounding and maintaining the livestock and the damages to the  
32 impounder caused by the livestock. Reasonable costs of impounding shall include any fees  
33 paid pursuant to G.S. 68-18.1 in an attempt to locate the owner of the livestock. The balance, if  
34 any, shall be paid to the owner of the livestock, if known, or, if the owner is not known, then to  
35 the school fund of the county where the livestock was impounded. (Code, s. 2817; Rev., s.  
36 1680; C.S., s. 1851; 1971, c. 741, s. 1; 1991, c. 472, s. 4.)  
37

38 **§ 68-21. Illegally releasing or receiving impounded livestock misdemeanor.**

39 If any person willfully releases any lawfully impounded livestock without the permission of  
40 the impounder or receives such livestock knowing that it was unlawfully released, he shall be  
41 guilty of a Class 3 misdemeanor. (Code, s. 2819; 1889, c. 504; Rev., s. 3310; C.S., s. 1853;  
42 1971, c. 741, s. 1; 1993, c. 539, s. 537; 1994, Ex. Sess., c. 24, s. 14(c).)  
43

44 **§ 68-22. Impounded livestock to be fed and watered.**

45 If any person shall impound or cause to be impounded any livestock and shall fail to supply  
46 to the livestock during the confinement a reasonably adequate quantity of good and wholesome  
47 feed and water, he shall be guilty of a Class 3 misdemeanor. (1881, c. 368, s. 3; Code, s. 2484;  
48 1891, c. 65; Rev., s. 3311; C.S., s. 1854; 1971, c. 741, s. 1; 1993, c. 539, s. 538; 1994, Ex.  
49 Sess., c. 24, s. 14(c).)  
50

51 **§ 68-23. Right to feed impounded livestock; owner liable.**

1 When any livestock is impounded under the provisions of this Chapter and remains without  
2 reasonably adequate feed and water for more than 24 hours, any person may lawfully enter the  
3 area of impoundment to supply the livestock with feed and water. Such person shall not be  
4 liable in trespass for such entry and may recover of the owner or, if the owner is unknown, of  
5 the impounder of the livestock, the reasonable costs of the feed and water. (1881, c. 368, s. 4;  
6 Code, s. 2485; Rev., s. 1682; C.S., s. 1855; 1971, c. 741, s. 1.)  
7

8 **§ 68-24. Penalties for violation of this Article.**

9 A violation of G.S. 68-16, 68-21 or 68-22 is a Class 3 misdemeanor. (1971, c. 741, s. 1;  
10 1993, c. 539, s. 539; 1994, Ex. Sess., c. 24, s. 14(c).)  
11

12 **§ 68-25. Domestic fowls running at large after notice.**

13 (a) If any person shall permit any turkeys, geese, chickens, ducks or other domestic  
14 fowls to run at large on the lands of any other person while such lands are under cultivation in  
15 any kind of grain or feedstuff or while being used for gardens or ornamental purposes, after  
16 having received actual or constructive notice of such running at large, the person is guilty of a  
17 Class 3 misdemeanor.

18 (b) If any person permits any domestic fowls to run at large on the lands of a  
19 commercial poultry operation of any other person after having received actual or constructive  
20 notice of such running at large, the person is guilty of a Class 3 misdemeanor. For purposes of  
21 this subsection, a commercial poultry operation means any premises or operation where  
22 domestic poultry are fed, caged, housed, or otherwise kept for meat or egg production until sold  
23 or marketed.

24 (b1) If any person who owns or operates a commercial poultry operation permits any of  
25 the commercial poultry operation's fowls to run at large on adjoining property after having  
26 received actual or constructive notice of such running at large, the person is guilty of a Class 3  
27 misdemeanor. For purposes of this subsection, a commercial poultry operation means any  
28 premises or operation where domestic poultry are fed, caged, housed, or otherwise kept for  
29 meat or egg production until sold or marketed.

30 (c) If it shall appear to any magistrate that after three days' notice any person persists in  
31 allowing his fowls to run at large in violation of this section and fails or refuses to keep them  
32 upon his own premises, then the said magistrate may, in his discretion, order any sheriff or  
33 other officer to kill the fowls when they are running at large as herein provided. (C.S., s. 1864;  
34 1971, c. 741, s. 1; 1993, c. 539, s. 540; 1994, Ex. Sess., c. 24, s. 14(c); 2011-313, s. 1.)  
35

36 **§§ 68-26 through 68-41: Repealed by Session Laws 1971, c. 741, s. 2.**  
37

38 Article 4.

39 Stock along the Outer Banks.

40 **§ 68-42. Stock running at large prohibited; certain ponies excepted.**

41 From and after July 1, 1958, it shall be unlawful for any person, firm or corporation to  
42 allow his or its horses, cattle, goats, sheep, or hogs to run free or at large along the outer banks  
43 of this State. This Article shall not apply to horses known as marsh ponies or banks ponies on  
44 Ocracoke Island, Hyde County. This Article shall not apply to horses known as marsh ponies or  
45 banks ponies on Shackleford Banks between Beaufort Inlet and Barden's Inlet in Carteret  
46 County. Saving and excepting those animals known as "banker ponies" on the island of  
47 Ocracoke owned by the Boy Scouts and not exceeding 35 in number. (1957, c. 1057, s. 1;  
48 1997-456, s. 9.)  
49

50 **§ 68-43. Authority of Secretary of Environment and Natural Resources to remove or**  
51 **confine ponies on Ocracoke Island and Shackleford Banks.**

1 Notwithstanding any other provisions of this Article, the Secretary of Environment and  
2 Natural Resources shall have authority to remove or cause to be removed from Ocracoke Island  
3 and Shackleford Banks all ponies known as banks ponies or marsh ponies if and when he  
4 determines that such action is essential to prevent damage to the island. In the event such a  
5 determination is made, the Secretary, in lieu of removing all ponies, may require that they be  
6 restricted to a certain area or corralled so as to prevent damage to the island. In the event such  
7 action is taken, the Secretary is authorized to take such steps and act through his duly  
8 designated employees or such other persons as, in his opinion, he deems necessary and he may  
9 accept any assistance provided by or through the National Park Service. (1957, c. 1057, s. 11/2;  
10 1973, c. 1262, s. 86; 1977, c. 771, s. 4; 1989, c. 727, s. 218(10); 1997-443, s. 11A.119(a);  
11 1997-456, s. 10.)

12  
13 **§ 68-44. Penalty for violation of G.S. 68-42.**

14 Any person, firm or corporation violating the provisions of G.S. 68-42 shall be guilty of a  
15 Class 3 misdemeanor. (1957, c. 1057, s. 2; 1993, c. 539, s. 541; 1994, Ex. Sess., c. 24, s. 14(c).)

16  
17 **§ 68-45. Impounding stock.**

18 The provisions of G.S. 68-24 to 68-30, relative to the impounding of stock running at large  
19 shall apply with equal force and effect along the outer banks of this State. (1957, c. 1057, s. 3.)

20  
21 **§ 68-46. "Outer banks of this State" defined.**

22 For the purposes of this Article, the terms "outer banks of this State" shall be construed to  
23 mean all of that part of North Carolina which is separated from the mainland by a body of  
24 water, such as an inlet or sound, and which is in part bounded by the Atlantic Ocean. (1957, c.  
25 1057, s. 4.)